

Purpose (*Section 52-4-102*)

State and local agencies exist to conduct the people's business, which must be done openly.

Definitions (*Section 52-4-103*)

- **Meeting** means a convening of a public body with a quorum present to discuss, receive comment, or act on a matter under its jurisdiction or advisory power.
- **Meeting** does not mean a chance or social meeting, a meeting of a public body that has both legislative and executive responsibilities in certain circumstances, or a meeting of the State Tax Commission to consider a confidential tax matter.
- **Public Body** is any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:
 - Is created by constitution, statute, rule, ordinance, or resolution;
 - Expends, disburses, or is supported by tax revenue; and
 - Is vested with the authority to make decisions regarding the public's business.

Public Notice (*Section 52-4-202*)

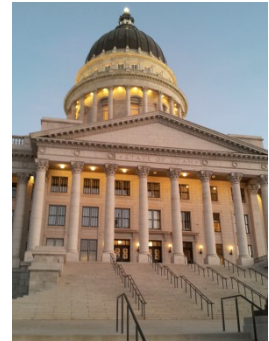
- A public body must give notice at least 24 hours before each meeting. The public notice must:
 - Include the date, time, and place of the meeting;
 - Include an agenda that lists topics to be considered;
 - Be posted in specified places, including the Utah Public Notice Website; and
 - Be provided to a newspaper or local media correspondent.
- A public body may discuss a topic raised by the public that is not listed on the agenda, but may not take final action on the topic.

Minutes and Recordings (*Sections 52-4-203 and 52-4-206*)

- 2013 General Session S.B. 77, Availability of Government Information, made changes to the minutes and recordings requirements.
- A public body must keep written minutes and a recording of all meetings. A recording is not required for a site visit if no vote or action is taken by the public body.
- Pending minutes must:
 - Indicate that the public body has not yet approved the minutes; and
 - Be available to the public within 30 days.
- Within three business days after holding a public meeting, a recording of an open meeting must be posted on the Utah Public Notice Website.
- Within three business days after approving written minutes, the approved minutes and any public materials distributed at the meeting must be:
 - Posted on the Utah Public Notice Website; and
 - Made available at the public body's primary office;

Closed Meetings (*Sections 52-4-201, 52-4-204, and 52-4-205*)

- A meeting is open to the public unless it is closed by a two-thirds vote with a quorum present at the open meeting.
- The public body must announce the reasons for the closed meeting and enter the reasons into the minutes of the open meeting.
- The public body may only hold a closed meeting for certain reasons, including:
 - Discussion of a person's character, competence, or health;
 - Strategy for collective bargaining;
 - Pending or imminent litigation;
 - An acquisition of real property, including water rights or shares;
 - Discussion of security system;
 - Investigation of criminal conduct;
 - Specified commercial information discussed by a county legislative body;
 - Certain legislative or political subdivision ethics complaint matters; or
 - Fiduciary or commercial information being discussed by the Utah Higher Education Assistance Authority.
- A public body may not close a meeting to discuss filling a midterm vacancy or temporary absence or to discuss a person whose name was submitted for consideration to fill a midterm vacancy or temporary absence.



Closed Meeting Exceptions (**Section 52-4-204**)

- No vote is required to close a meeting for the Independent Legislative Ethics Commission to review an ethics complaint.
- If a public body is required to hold a closed meeting, it may do so by majority vote.

Emergency Meetings (**Section 52-4-202**)

A public body may not hold an emergency meeting unless it makes an attempt to notify all members and a majority of its members approve the meeting. A public body need not give a 24-hour notice if unforeseen circumstances require an emergency meeting and it gives the best practical notice.

Electronic Meetings (**Sections 52-4-207 and 52-4-209**)

- A public body may not convene or conduct a meeting by electronic communications unless it has adopted procedures to govern them.

Penalties (**Sections 52-4-302 and 52-4-305**)

- **Open Meetings** - Any final action taken in violation of the act is voidable by a court.
- **Closed Meetings** - It is a class B misdemeanor to knowingly or intentionally violate closed meeting provisions.

**A public body must provide annual training to its members on the requirements of the Open & Public Meetings Act (Section 52-4-104). This summary is intended for a state legislative audience and should not be construed as exhaustively addressing requirements of the act for other public bodies.*